

SENATE JOURNAL**THIRD DAY****MORNING SESSION**

The Senate was called to order at 10:00 a.m., with President Al Mansell presiding.

Roll Call- All Senators present except Senator Jenkins, excused.

Prayer -Leo Memmott, Former Legislative Fiscal Analyst

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 8)

On motion of Senator Valentine, the State of the Judiciary address by Chief Justice Richard Howe will be spread upon the pages of the Senate Journal.

STATE OF THE JUDICIARY

Speaker Stephens, Representatives, and guests; President Mansell, Senators, and guests; thank you for this opportunity to report to you, and to the citizens of our state, on the state of Utah's judiciary.

Please allow me to begin by introducing to you two of my colleagues who are new to the Supreme Court since I spoke with you last year. Justice Michael Wilkins, formerly of the Utah Court of Appeals, was appointed to the Supreme Court last January; and Justice Matthew Durrant, formerly of the Third District Court, who was also appointed to the Court in January. They are joined by Associate Chief Justice Leonard Russon and Justice Christine Durham.

While we surely miss former Chief Justice Zimmerman and Associate Chief Justice Stewart and their combined 35 years of experience on the Supreme Court bench, Justice Wilkins and Justice Durrant because of their past experience both acclimated to their new responsibilities quickly, and the work of the Court hasn't missed a beat.

Changes such as that are never easy, but the smoothness of the transition reminds us that we are but small figures in a much larger picture. While the names on the door may change, the roles remain the same. We are individual judges, on a court charged with upholding the Constitution of the United States and the Constitution of the State of Utah. The institution of the Utah Supreme Court will outlast us all as individuals, as will the institution of the Utah Legislature. Each of

us is given a role by those constitutions, and that role is more important than any individual who happens to hold that office at any one time. The permanency of the institutions gives society a sense of confidence that allows our system of governance to work. Judges may change, legislative members may change, but our responsibilities to the citizens and to the oaths we all took, endure.

The relationship between the courts and the legislature here in Utah has been a very fruitful and effective one over the years. Together we have tackled some serious issues, and come up with far-sighted solutions. For example, the Juvenile Justice system was in dire condition just five or six years ago, and now, through your infusion of resources to the juvenile courts and to Youth Corrections, and because of a revision of our sentencing laws and processes, our system is the envy of other states.

Our statewide commitment to faster, but more importantly better resolution of legal disputes through the use of mediation is a direct result of the collaboration between the legislature and the courts. We have victim offender mediation programs, child welfare mediation programs and truancy mediation programs that are national models of innovative and effective solutions to the most difficult of problems.

Another recent joint venture is the Online Court Assistance Program. Through the internet, landlords, tenants and divorcing parties prepare their own documents for filing with the court. The result is easier, direct access to the courts for remedies to common problems, and better documents for the legal process. The idea was the product of a joint legislative/courts committee, with legislative members Senators Waddoups and Hull, and Representatives Sheryl Allen and Patrice Arent. This project is now up and running, and hundreds of people have already used this new technology in only a dozen weeks time. Again, courts around the country are looking for ways to replicate this very successful product that we, together, created.

These efforts of collaboration have served our courts and our citizens very well, and I want to express to you the appreciation of the judiciary for your support in these mutual accomplishments.

Ordinarily the State of the Judiciary address has been used to brief you on what challenges our court system is addressing, and to tell you about programs and activities we are engaged in to address those challenges. We usually discuss the courts from an operational or business perspective. There is indeed a great deal to report to you on this front. There are many important programs that are making a difference that I could, and should talk about, but let me just briefly mention a few.

Drug courts, both in the adult and juvenile settings, have continued to prove to be an amazingly successful way to break the cycle of addiction and crime, and they continue to expand.

Automation advances like electronic filing, video arraignment and telephonic case information and payment systems are making court processes much more accessible and efficient for the public. This last system allows members of the public to check the status of their case, or pay a traffic ticket automatically, using a telephone, any time of the day or night.

Each of our eight judicial districts is experimenting with at least one new way of managing cases - for example, in Davis, Weber and Morgan counties, we have shifted resources to create a case manager position, someone who reviews all divorce filings, meets with the parties, and assesses which track the case should be put on - trial, mediation, or uncontested, for example. This has proved to save the parties and the court a great deal of time and money compared to a traditional process.

There are also encouraging statistics to report - juvenile delinquency referrals, for instance, are generally down, and we have all heard the media reports about the overall decreases in crime. This is being reflected in a modest decline in criminal filings with the courts, as well.

There are also troubling numbers, such as the dramatic increases in child welfare filings in the last year. We have several responses to this rise in workload, and we will share those with you. But there will be ample time over the next 44 days for the court's representatives to acquaint you with these issues, and for our court administrator to discuss with your appropriations committees any fiscal implications.

As important as these operational matters are, they are secondary to the matter that I would like to address today, and that is public understanding of, and confidence in, the institution of the courts.

Like you, I spent a great deal of time during the months of November and early December watching the events following the presidential election unfold.

In the end, an orderly transition of presidents has occurred, but the events, comments, and opinions that played out over the thousands of hours of television coverage and thousands of pages of print coverage, have, I suspect, made some a bit uneasy.

We heard commentators and pundits speaking of partisan politics within the judiciary as if it were a given. Certainly nothing is wrong with politics, it is the

engine that drives our democracy, but the framers of the US Constitution crafted a government with the third branch, the courts, intentionally apart from politics, intentionally a place where only the rule of law prevails.

I have been participating in and observing the role of our courts in government and our society for 50 years. In fact, it was 50 years ago this week that I took the oath as a member of the Utah House of Representatives. In that time, that judicial role has not changed; the principles of the institution remain the same. What has changed, in my opinion, is the extent to which the public understands the role, the purpose, and the mission of the courts. A lack of understanding of and appreciation for the importance of fundamental principles, principles such as neutrality, can lead to an erosion of the people's confidence in the courts. This is something both you and I must protect against, because respect for the rule of law is the reason we had an orderly and peaceful presidential transition, and it is what differentiates our democracy from so many other forms of government.

As I compare our court system with others around the country, I feel good about where we in Utah stand with respect to public confidence today. In too many other states, courts are struggling with chronic delay problems, court is too often held in inadequate facilities, and judges are frequently engaged in contested political elections that require them to raise huge amounts of money from the very parties appearing before them.

In Utah our courts sit on a much stronger foundation. For example, this legislature had the foresight in 1943 to put before the voters of this state a constitutional amendment that ensured that partisan politics would not determine who serves as a judge. Instead, judges are selected on the basis of merit and not put in the awkward position of having to raise funds to finance a campaign. and they are retained in office based on their performance alone. Ours is a strong, well administered court system; one in which the public should have confidence.

I say should, because I believe there are signs that suggest that we cannot take this confidence for granted in the future. There are three areas that I believe warrant particular attention, and I want to share with you what our courts are doing to address each area. First, the minority community, next, those whose access to the courts is being limited by cost, and finally, our future generations.

Unfortunately, our minority communities do not have the kind of confidence in our justice system that we would like. The Racial and Ethnic Fairness Task Force completed a three year study last fall, and submitted its final report this year, and while overall there are many things of which to be proud, some of the findings are a bit troubling. In public fact-finding hearings held across our state, a far too large segment of minority participants told us that they do not believe that our law

enforcement, courts and corrections systems afford racial and ethnic minorities the same level of respect and fairness that is given to non-minorities.

Whether that disparity of treatment is real or not isn't the issue, because if people don't believe that they will be treated fairly by our criminal justice system, then they don't have much confidence in the impartiality of the system, and they certainly can't be expected to have much respect for the rule of law that is so fundamental to our form of government. As our minority communities continue to grow, this lack of confidence will become more and more pervasive, unless we do something to again have their trust. To that end, the Task Force debated and unanimously recommended over 75 proposals for changes in our law enforcement, courts and corrections systems.

Obviously I can't go over those recommendations now, but we have provided each of you with an executive summary of that report, and I encourage you to study it carefully. The full report can be found on our court web site. I also urge you to support the recommended creation of a new committee composed of the heads of all statewide criminal justice agencies, as well as community leaders, whose responsibility it will be to assist in the implementation of the proposals. This implementation phase is critical to maintaining the momentum that was started by this three year inquiry, and only continued attention to these issues will bring about the confidence in our justice system that we all want. As Nez Perce Chief Joseph said more than a hundred years ago, "Good words do not last long unless they amount to something."

I would also like to take this opportunity to thank the authors of these good words, Chairman of the Task Force former Chief Justice Michael Zimmerman, and co-chairs John T. Nielsen and Judge Tyrone Medley, as well as the subcommittee chairs and the Task Force staff for their years of hard work on this most important of endeavors. I also thank very much the fifteen hundred Utahns who took the time to come to 27 public hearings and tell us about their views and experiences. With the help of this legislature, all that hard work and time invested will result in meaningful changes that will re-earn the trust and confidence of all of our community members.

The second group of people whose confidence in our judicial system we cannot take for granted is the segment of our society who can't afford to access our courts, and with the ever increasing cost of legal advice, this segment is growing larger and larger. Many of these people don't have a choice about their involvement with the courts - courts are the only places one can go to get protection from an abusive spouse, or to get a divorce, so especially for these court users we feel an obligation to provide some assistance. Earlier I mentioned the Online Court Assistance Program, where people who either cannot afford an

attorney or choose not to use an attorney can generate ready-to-file documents on the internet. This program already provides easy access to the courts for landlord-tenant disputes and divorces, and plans are underway to expand the service to other subject matter areas later this year.

We also run a program that provides a trained mediator for parents, usually fathers, who are trying to have court-ordered visitation with their children enforced by the courts. This non-adversarial mediation approach to an extremely emotional issue has proved to be very effective at resolving these disputes without directly involving judges or lawyers.

These and other efforts by the judiciary are an attempt to provide to the public more of what they want, and what would be the most helpful, rather than what courts traditionally have viewed as their role to provide. Hopefully, services like these will reinforce for the public that the courts as an institution are accountable, responsive and effective, and that other institutional attributes such as competence and fairness can be relied on.

As we do our best to develop, maintain and enhance the trust and confidence of these important parts of our society, we are also focusing on the future of our society, our children. If our youth have a strong, fundamental understanding of our system of governance, then your tasks as legislators and ours as judges will be so much easier in the future. One way we have begun to focus on this kind of education is by participating in the development of a new core curriculum for seventh through twelfth graders in Utah schools.

On behalf of the Judicial Council, Justice Christine Durham is leading a coalition that includes the Utah Law-Related Education Program, the Utah State Bar and members of the Utah judiciary and Administrative Office of the Courts in making a program called 'Education for Justice' a central part of the new curriculum. The State Board of Education is also participating, and this coalition of interested parties is prepared to develop course materials, provide presenters for in-service teacher training, and organize a speakers list of lawyers and judges to support teachers and school administrators. This is a very exciting development, and I want to thank everyone involved in promoting this partnership with our schools. My hope is that one day soon, this partnership will foster in our youth a deeper understanding of fundamental elements of our society, such as liberty, fairness and justice.

I hope that you have concluded, as I have, that public trust and confidence in the courts, and therefore in the rule of law, and therefore in our democratic government, is in the interest of each of the branches of government. But we cannot pursue this endeavor without your assent, nor is our mutual goal of public

understanding and trust attainable without your participation. As we have successfully collaborated on so many important projects in the past, so must we work together again. The public deserves our best efforts in this regard.

As John Jay, the first Chief Justice of the United States Supreme Court once said: "Next to doing right, the great object in the administration of justice should be to give public satisfaction."

That is something to which the public is entitled. The endeavors I have mentioned here today are directed at providing that satisfaction and, in turn, the confidence, that is essential to the institution of the judiciary, and to the democracy that is our government.

Thank you for your support in the past, and for this opportunity to talk with you. Good luck in your deliberations.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 16, 2001

The House passed **H.B. 22**, SEX OFFENDER LIFETIME REPORTING AMENDMENTS, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed **H.B. 35**, UTAH TECHNOLOGY INFRASTRUCTURE INNOVATION PROGRAM AMENDMENTS, by Representative B. Goodfellow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 22** and **H.B. 35** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: January 16, 2001

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 20**, REPORTING REQUIREMENTS FOR SCIENCE CENTER AUTHORITY, by Senator P. Hellewell; and

The Business, Labor, and Economic Development Committee reports a favorable recommendation on **S.B. 25**, ATHLETIC COMMISSION RESPONSIBILITIES, by Senator P. Suazo.

Dan R. Eastman, Chair; and

Mr. President: January 16, 2001

The Health and Environment Committee reports a favorable recommendation on **S.B. 31**, AREA HEALTH EDUCATION CENTER AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 2, Line 48:
After "2001-02" insert "only"; and

The Health and Environment Committee reports a favorable recommendation on **S.B. 33**, MENTAL HEALTH SERVICES FOR FOSTER AND ADOPTED CHILDREN TASK FORCE, by Senator G. Davis.

Peter C. Knudson, Chair; and

Mr. President: January 16, 2001

The Human Services Committee reports a favorable recommendation on **S.B. 29**, FAMILIES, AGENCIES, AND COMMUNITIES TOGETHER FOR CHILDREN AND YOUTH AT RISK AMENDMENTS, by Senator R. Allen, et al.

J.W. "Bill" Hickman, Chair; and

Mr. President: January 16, 2001

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 8**, REAUTHORIZATION OF UTAH STEAM COAL TAX CREDIT, by Senator M. Dmitrich, et al.; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 24**, INDIVIDUAL INCOME TAX - ADDITIONS TO FEDERAL TAXABLE INCOME, by Senator J. Valentine; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 36**, INDIVIDUAL INCOME TAX - BRACKET ADJUSTMENTS, by Senator J. Valentine, et al.

Curtis S. Bramble, Chair; and

Mr. President: January 16, 2001

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 32**, LEGISLATIVE PROCESS COMMITTEE - DUTIES AND RESPONSIBILITIES, by Senator L. Blackham.

Carlene M. Walker, Chair; and

Mr. President: January 16, 2001

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 12**, TRAFFIC MANAGEMENT COMMITTEE AMENDMENTS, by Senator P. Knudson; and

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 17**, HIGHWAY CONSTRUCTION BID LIMIT, by Senator P. Knudson; and

The Transportation and Public Safety Committee reports a favorable recommendation on **S.B. 40**, PENALTY FOR USE OF DYED DIESEL, by Senator D. Eastman, with the following amendments:

1. Page 1, Line 14:
After "unless" insert ":(a)" after "law" insert ":(or
(b)(i) the motor vehicle is used on the highway only to travel from one parcel of land owned or operated by the owner to another parcel of land owned or operated by the owner; and
(ii) the motor vehicle's travel on the highway is necessary for furtherance of agricultural purposes"
2. Page 1, Line 22:
After "this section" insert ":(a)"
3. Page 1, Line 23:
After "this chapter" insert ":(and (b)shall be deposited in the
Transportation Fund"

David H. Steele, Chair

On motion of Senator Poulton, the committee reports were adopted. **S.B. 20, S.B. 25, S.B. 31, S.B. 33, S.B. 29, S.B. 8, S.B. 24, S.B. 36, S.B. 32, S.B. 12, S.B. 17,**and **S.B. 40** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS**INSTRUCTION IN MANDARIN CHINESE IN PUBLIC SCHOOLS****S.B. 57***Howard A. Stephenson*

THIS ACT MODIFIES PROVISIONS RELATED TO THE STATE SYSTEM OF PUBLIC EDUCATION BY REQUIRING THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT A CONCURRENT ENROLLMENT COURSE ON MANDARIN CHINESE TO BE TAUGHT OVER EDNET. THE ACT TAKES EFFECT UPON APPROVAL, was read for the first time and referred to the Rules Committee.

**CONFLICT OF INTEREST INVESTIGATIONS
INTO ALLEGATION OF CHILD ABUSE OR NEGLECT****S.B. 111***D. Chris Buttars*

THIS ACT MODIFIES THE HUMAN SERVICES CODE BY REMOVING THE REQUIREMENT THAT ALLEGATIONS OF ABUSE AND NEGLECT OF CHILDREN IN THE CUSTODY OF THE DIVISION OF CHILD AND FAMILY SERVICES BE INVESTIGATED ONLY BY LAW ENFORCEMENT OFFICERS. THE ACT AUTHORIZES THE DIVISION TO CONTRACT WITH INDEPENDENT CHILD PROTECTIVE SERVICES INVESTIGATORS WHO SHALL HAVE THE SAME RIGHTS AND DUTIES TO INVESTIGATE AS A CHILD PROTECTIVE INVESTIGATOR EMPLOYED BY THE DIVISION, was read for the first time and referred to the Rules Committee.

APPROPRIATION FOR ASSISTIVE TECHNOLOGY**S.B. 112***Peter C. Knudson*

THIS ACT APPROPRIATES \$150,000 FROM THE UNIFORM SCHOOL FUND AND \$150,000 FROM THE GENERAL FUND FOR FISCAL YEAR 2001-02 TO THE STATE BOARD OF EDUCATION TO BE DISTRIBUTED TO THE STATE OFFICE OF REHABILITATION TO PURCHASE ASSISTIVE TECHNOLOGY DEVICES AND SERVICES. THIS ACT PROVIDES AN EFFECTIVE DATE, was read for the first time and referred to the Rules Committee.

UINTAH BASIN REVITALIZATION FUND AMENDMENTS**S.B. 113***Beverly Ann Evans*

THIS ACT MODIFIES THE OIL AND GAS SEVERANCE TAX TO INCLUDE IN THE DIVERSION OF SEVERANCE TAXES TO THE UINTAH

BASIN REVITALIZATION FUND WELLS LOCATED ON LANDS RECENTLY CONVEYED TO THE UTE TRIBE BY THE FEDERAL GOVERNMENT. THIS ACT HAS RETROSPECTIVE OPERATION TO JANUARY 1, 2001, was read for the first time and referred to the Rules Committee.

**SALES AND USE TAX ON PUBLIC
ACCOMMODATIONS AND SERVICES TAXED BY TRIBES**

S.B. 114

Mike Dmitrich

THIS ACT MODIFIES THE REVENUE AND TAXATION CODE TO PROVIDE AN EXEMPTION FROM STATE SALES AND USE TAX ON PUBLIC ACCOMMODATIONS AND SERVICES TAXED BY TRIBES AND TO MAKE TECHNICAL CHANGES. THIS ACT TAKES EFFECT ON JULY 1, 2001, was read for the first time and referred to the Rules Committee.

SAFE SCHOOLS AMENDMENTS

S.B. 115

Bill Wright

THIS ACT MODIFIES PROVISIONS RELATED TO THE STATE SYSTEM OF PUBLIC EDUCATION BY REQUIRING ANY STUDENT WHO HAS BEEN EXPELLED FROM SCHOOL FOR A FIREARM, EXPLOSIVE, OR FLAMMABLE MATERIAL VIOLATION TO MEET WITH THE SCHOOL DISTRICT SUPERINTENDENT TO DETERMINE IF THE EXPULSION SHOULD BE MODIFIED. THIS ACT TAKES EFFECT UPON APPROVAL, was read for the first time and referred to the Rules Committee.

REQUIREMENTS TO INCORPORATE A TOWN

S.B. 116

Bill Wright

THIS ACT MODIFIES THE UTAH MUNICIPAL CODE TO ELIMINATE THE MINIMUM POPULATION REQUIREMENT FOR INCORPORATING A TOWN, was read for the first time and referred to the Rules Committee.

SECOND READING CALENDAR

S.J.R. 4, JOINT RULES RESOLUTION - REVISIONS TO APPROPRIATIONS SUBCOMMITTEE, was read the second time. Senator Waddoups explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

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| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Evans |
| Gladwell | Hale | Hellewell | Hickman |
| Hillyard | Julander | Knudson | Mayne |
| Peterson | Poulton | Spencer | Steele |
| Stephenson | Suazo | Valentine | Waddoups |
| Walker | Mansell | | |

Absent or not voting were: Senators

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| Eastman | Jenkins | Wright |
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S.R. 1, SENATE RESOLUTION AMENDING PROVISIONS RELATING TO LONG TITLES, was read the second time. Senator Waddoups explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

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| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Eastman |
| Evans | Gladwell | Hale | Hellewell |
| Hickman | Hillyard | Julander | Knudson |
| Mayne | Peterson | Poulton | Spencer |
| Steele | Stephenson | Suazo | Valentine |
| Waddoups | Walker | Mansell | |

Absent or not voting were: Senators

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H.B. 4, REPEAL OF PUBLIC WORKS PROGRAMS, was read the second time. Senator Suazo explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

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| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Eastman |

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| Evans | Gladwell | Hale | Hellewell |
| Hickman | Hillyard | Julander | Knudson |
| Mayne | Peterson | Poulton | Spencer |
| Steele | Stephenson | Suazo | Valentine |
| Waddoups | Walker | Wright | Mansell |

Absent or not voting was: Senator
Jenkins

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H.B. 9, REPEAL OF OBSOLETE BONDING AUTHORIZATIONS AND RELATED PROVISIONS, was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

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| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Eastman |
| Evans | Gladwell | Hale | Hellewell |
| Hickman | Hillyard | Julander | Knudson |
| Mayne | Peterson | Poulton | Spencer |
| Steele | Stephenson | Suazo | Valentine |
| Waddoups | Walker | Wright | Mansell |

Absent or not voting was: Senator
Jenkins

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H.B. 10, STATE INSTITUTIONS PROVISIONS REPEAL, was read the second time. Senator Evans explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

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| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Eastman |
| Evans | Gladwell | Hale | Hellewell |
| Hickman | Hillyard | Julander | Knudson |

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| Mayne | Peterson | Poulton | Spencer |
| Steele | Stephenson | Suazo | Waddoups |
| Walker | Wright | Mansell | |

Absent or not voting were: Senators

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H.B. 11, STATE LOAN COMMISSIONERS AND LOAN AUTHORIZATION REPEAL, was read the second time. Senator Buttars explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

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| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Eastman |
| Evans | Gladwell | Hale | Hellewell |
| Hickman | Hillyard | Julander | Knudson |
| Mayne | Peterson | Poulton | Spencer |
| Steele | Stephenson | Suazo | Waddoups |
| Walker | Wright | Mansell | |

Absent or not voting were: Senators

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| Jenkins | Valentine |
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H.B. 23, REPEAL OF BEDDING, UPHOLSTERED FURNITURE, QUILTED CLOTHING ADVISORY COMMITTEE, was read the second time. Senator Peterson explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

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| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Eastman |
| Evans | Gladwell | Hale | Hellewell |
| Hickman | Hillyard | Julander | Knudson |
| Mayne | Peterson | Poulton | Spencer |
| Steele | Stephenson | Suazo | Waddoups |
| Walker | Wright | Mansell | |

Absent or not voting were: Senators

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| Jenkins | Valentine |
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H.B. 24, REPEAL OF DAIRY ADVISORY BOARD, was read the second time. Senator Evans explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

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| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Eastman |
| Evans | Gladwell | Hale | Hellewell |
| Hickman | Hillyard | Julander | Knudson |
| Mayne | Peterson | Poulton | Spencer |
| Steele | Stephenson | Suazo | Valentine |
| Waddoups | Walker | Wright | Mansell |

Absent or not voting was: Senator

Jenkins

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On motion of Senator Poulton, the Senate voted to suspend the 24-hour rule for all bills considered on the Second Reading Calendar.

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S.B. 20 -- REPORTING REQUIREMENTS FOR SCIENCE CENTER AUTHORITY, was read the second time. Senator Hellewell explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

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| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Eastman | Evans |
| Gladwell | Hale | Hellewell | Hickman |
| Hillyard | Julander | Knudson | Mayne |
| Peterson | Poulton | Spencer | Steele |
| Stephenson | Suazo | Valentine | Waddoups |
| Walker | Wright | Mansell | |

Absent or not voting were: Senators

Dmitrich Jenkins

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S.B. 25, ATHLETIC COMMISSION RESPONSIBILITIES, was read the second time. Senator Suazo explained the bill. Senators Poulton, Waddoups, Davis, and commented. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

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| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Eastman |
| Evans | Gladwell | Hale | Hellewell |
| Hickman | Hillyard | Julander | Knudson |
| Mayne | Peterson | Poulton | Spencer |
| Steele | Stephenson | Suazo | Valentine |
| Waddoups | Walker | Wright | Mansell |

Absent or not voting was: Senator
Jenkins

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S.B. 31, AREA HEALTH EDUCATION CENTER AMENDMENTS, was read the second time.

On motion of Senator Knudson, the bill was circled.

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S.B. 33, MENTAL HEALTH SERVICES FOR FOSTER AND ADOPTED CHILDREN TASK FORCE, was read the second time. Senator Davis explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

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| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Eastman |
| Evans | Gladwell | Hale | Hellewell |
| Hickman | Hillyard | Julander | Knudson |
| Mayne | Peterson | Poulton | Spencer |
| Steele | Stephenson | Suazo | Valentine |
| Waddoups | Walker | Wright | Mansell |

Absent or not voting was: Senator
Jenkins

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S.B. 29, FAMILIES, AGENCIES, AND COMMUNITIES TOGETHER FOR CHILDREN AND YOUTH AT RISK AMENDMENTS, was read the second time. Senator Ron Allen explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

| | | | |
|----------|------------|----------|-----------|
| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Eastman |
| Evans | Gladwell | Hale | Hellewell |
| Hickman | Hillyard | Julander | Knudson |
| Mayne | Peterson | Poulton | Spencer |
| Steele | Stephenson | Suazo | Valentine |
| Waddoups | Walker | Wright | Mansell |

Absent or not voting was: Senator
Jenkins

* * *

S.B. 8, REAUTHORIZATION OF UTAH STEAM COAL TAX CREDIT, was read the second time. Senator Dmitrich explained the bill.

On motion of Senator Dmitrich, the bill was amended as follows:

1. Page 1, Line 7:
After "Code" insert "and Repeal Dates by Title" and after "to" delete "delay the" and insert "reauthorize the Utah steam coal tax credit by deleting" and after "repeal" delete "of" and insert "dates relating to"
2. Page 1, Line 8:
After "tax credit" delete "until taxable years beginning on or after January 1, 2007" and after the comma insert "to require the Revenue and Taxation Interim Committee to conduct a periodic review of the Utah steam coal tax credit,"
3. Page 2, Line 39:
Bracket Line 39
4. Page 2, Line 40:
Bracket "on or after January 1," and after "[2002]" delete "2007" and

bracket the period and after Line 40 insert:

“(4) Beginning with the 2007 interim, the Revenue and Taxation Interim Committee:

(a) shall review the tax credit provided for in this section one or more times every five years;

(b) shall determine on or before the November interim meeting of the year in which the Revenue and Taxation Interim Committee reviews the tax credit provided for in this section whether the tax credit should be:

(i) continued;

(ii) modified; or

(iii) repealed; and

(c) may review any other issue related to the tax credit provided for in this section as determined by the Revenue and Taxation Interim Committee.”

5. Page 2, Line 43:
Bracket “(1) Section 59-7-604 is repealed January 1,” and after “[2002]” delete ”“2007” and bracket the period
6. Page 2, Line 44:
Bracket “(2)” and insert “(1)”
7. Page 2, Line 46:
Bracket “(3)” and insert “(2)”

Senators Gladwell, Blackham, and Ed Allen commented. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

| | | | |
|----------|------------|----------|-----------|
| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Eastman |
| Evans | Gladwell | Hale | Hellewell |
| Hickman | Hillyard | Julander | Knudson |
| Mayne | Peterson | Poulton | Spencer |
| Steele | Stephenson | Suazo | Valentine |
| Waddoups | Walker | Mansell | |

Absent or not voting were: Senators

| | |
|---------|--------|
| Jenkins | Wright |
|---------|--------|

* * *

S.B. 24, INDIVIDUAL INCOM TAX - ADDITIONS TO FEDERAL TAXABLE INCOME, was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

| | | | |
|----------|-----------|-----------|------------|
| E. Allen | R. Allen | Bramble | Buttars |
| Davis | Dmitrich | Eastman | Evans |
| Gladwell | Hale | Hellewell | Hickman |
| Hillyard | Julander | Knudson | Mayne |
| Peterson | Poulton | Steele | Stephenson |
| Suazo | Valentine | Waddoups | Walker |
| Mansell | | | |

Voting in the negative was: Senator
Spencer

Absent or not voting were: Senators

| | | |
|----------|---------|--------|
| Blackham | Jenkins | Wright |
|----------|---------|--------|

* * *

S.B. 36, INDIVIDUAL INCOME TAX - BRACKET ADJUSTMENTS, was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

| | | | |
|----------|------------|----------|-----------|
| E. Allen | R. Allen | Bramble | Buttars |
| Davis | Eastman | Evans | Gladwell |
| Hale | Hellewell | Hickman | Hillyard |
| Julander | Knudson | Peterson | Poulton |
| Spencer | Stephenson | Suazo | Valentine |
| Waddoups | Walker | Mansell | |

Voting in the negative was: Senator
Steele

Absent or not voting were: Senators

| | | | |
|----------|----------|---------|-------|
| Blackham | Dmitrich | Jenkins | Mayne |
| Wright | | | |

* * *

S.B. 32, LEGISLATIVE PROCESS COMMITTEE - DUTIES AND RESPONSIBILITIES, was read the second time. Senator Blackham explained the bill. Senator Steele commented. The bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

| | | | |
|-----------|----------|----------|-----------|
| E. Allen | R. Allen | Blackham | Bramble |
| Buttars | Davis | Dmitrich | Eastman |
| Evans | Gladwell | Hale | Hellewell |
| Hickman | Hillyard | Julander | Knudson |
| Peterson | Poulton | Spencer | Suazo |
| Valentine | Waddoups | Walker | Mansell |

Voting in the negative were: Senators

Steele Stephenson

Absent or not voting were: Senators

Jenkins Mayne Wright

COMMUNICATIONS FROM THE HOUSE

The House passed, **S.J.R. 2**, JOINT RULES RESOLUTION - IN-DEPTH BUDGET REVIEW SELECTION, by Senator L. Blackham, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.J.R. 2 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

The House passed **H.B. 59**, WORKERS' COMPENSATION FUND, by Representative K. Garn, and it is transmitted for consideration.

The House passed, as amended, **H.B. 65**, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSURE AMENDMENTS, by Representative J. Seitz, and it is transmitted for consideration.

The House passed **H.B. 204**, OLENE WALKER HOUSING TRUST FUND APPROPRIATION, by Representative W. Harper, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 59**, **H.B. 65**, and **H.B. 204** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Poulton and at 11:35 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 18, 2001.

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| S.B. 111 -- CONFLICT OF INTEREST INVESTIGATIONS INTO ALLEGATION OF CHILD ABUSE OR NEGLECT (<i>D. Butters</i>) | |
| Read for the first time and referred to the Rules Committee | 76 |
| S.B. 112 -- APPROPRIATION FOR ASSISTIVE TECHNOLOGY (<i>P. Knudson</i>) | |
| Read for the first time and referred to the Rules Committee | 76 |
| S.B. 113 -- UTAH BASIN REVITALIZATION FUND AMENDMENTS (<i>B. Evans</i>) | |
| Read for the first time and referred to the Rules Committee | 76 |
| S.B. 114 -- SALES AND USE TAX ON PUBLIC ACCOMMODATIONS AND SERVICES TAXED BY TRIBES (<i>M. Dmitrich</i>) | |
| Read for the first time and referred to the Rules Committee | 77 |
| S.B. 115 -- SAFE SCHOOLS AMENDMENTS (<i>B. Wright</i>) | |
| Read for the first time and referred to the Rules Committee | 77 |
| S.B. 116 -- REQUIREMENTS TO INCORPORATE A TOWN (<i>B. Wright</i>) | |
| Read for the first time and referred to the Rules Committee | 77 |
| S.J.R. 1 -- JOINT RULES RESOLUTION - MINI APPROPRIATIONS PROCESS (<i>L. Blackham</i>) | |
| Read the third time | 50 |
| Transmitted to the House | 50 |
| S.J.R. 1 -- JOINT RULES RESOLUTION - MINI APPROPRIATIONS PROCESS (<i>L. Blackham</i>) | |
| Read for the first time and referred to the Rules Committee | 31 |
| Placed on calendar | 35 |
| Amendments | 39 |
| Read the second time | 39 |
| S.J.R. 2 -- JOINT RULES RESOLUTION - IN-DEPTH BUDGET REVIEW SELECTION (<i>L. Blackham</i>) | |
| Read for the first time and referred to the Rules Committee | 32 |
| Placed on calendar | 35 |
| Read the second and third time | 40 |
| Transmitted to the House | 41 |
| Signed by the President and transmitted to the Governor | 86 |
| S.J.R. 3 -- JOINT RESOLUTION AMENDING REVENUE AND TAXATION ARTICLE - EXEMPTIONS (<i>M. Waddoups</i>) | |
| Read for the first time and referred to the Rules Committee | 32 |
| Assigned to standing committee | 52 |
| S.J.R. 4 -- JOINT RULES RESOLUTION - REVISIONS TO APPROPRIATIONS SUBCOMMITTEES (<i>M. Waddoups</i>) | |
| Read for the first time and referred to the Rules Committee | 32 |
| Placed on calendar | 52 |
| Read the second time | 77 |

S.R. 1 -- SENATE RESOLUTION AMENDING PROVISIONS RELATING TO LONG TITLE *(M. Waddoups)*

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| Read for the first time and referred to the Rules Committee | 32 |
| Placed on calendar | 52 |
| Read the second time | 78 |